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Motorola Energy Systems Group
Intellectual Property Department
1700 Belle Meade Court
Lawrenceville GA 30043

In re Application of:
Tan Thok Lin, et al.
Application No. 09/852,837
Filed: May 10, 2001
For: **AUDIO ACCESSORY SWITCHING
CIRCUIT**

MAIL

JUL 21 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION
ON PETITION

This is a response to the petition, filed July 8, 2005, which is treated as a Petition to Withdraw Notice of Abandonment pursuant to 37 C.F.R. §1.181. No fee is required.

This application became abandoned for failure to timely file a response to the non-final Office action mailed September 29, 2004, which set a shortened statutory period of three (3) months to reply. A Notice of Abandonment was mailed June 17, 2005.

Petitioner alleges to have timely filed a response to the Office action. To support this position, Petitioner has included with the instant petition a copy of a response bearing a proper certificate of transmission having a date of November 23, 2004.

37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

Given that petitioner is the one who apparently signed the certificate of mailing and petitioner states that they submitted a response on November 23, 2004, then petitioner has met the requirements above.

The petition is **GRANTED**. Accordingly, the holding of abandonment is withdrawn.

The application will be forwarded to the Technology Center's technical support staff for entry of the response submitted with the petition. From there, the file will be forwarded to the examiner for consideration in due course.


Krista Zele
Special Program Examiner
Technology Center 2600